IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4055 OF 2005

IN

FIRST APPEAL NO. 758 OF 2005

M/s. Amrut Sagar & Ors. ..Appellants

versus

Jayesh N. Shah & Anr. ..Respondents

Mr. J. F. Reis i/b. Y. M. Choudhari for the Petitioners - Original Respondents.
Mr. Y. V. Divekar i/b. M/s. Divekar & Co. for the Respondents - Original Appellants.

CORAM : D. G. DESHPANDE,J.

DATE : 30TH SEPTEMBER,2005

P.C. :

1. Heard counsel for the petitioners - original respondents who has filed this application and counsel for the respondents - original appellants.

2. Leaving apart the disputed questions raised by both the parties, simple thing is that original respondents want to change the name from "M/s.

Short & Tall" to "M/s. New Choice". Original Respondents has already been ordered not to create third party rights. The original appellants apprehends that by this change of business, third party rights will be created secretly and clandestinely by hiding the truth. The question is of protecting the interest of the original appellants in case appellants succeeds in this appeal. Therefore, while allowing this application for change of name to "M/s.New Choice", statement of the counsel for the original respondents with instructions from the respondents is recorded that in case the original appellants succeed, it will be the responsibility of the original respondents to see that the decree is fully executable without any hindrance and objection.

3. With above directions, the Civil Application is disposed of.

30.9.2005 (D.G. DESHPANDE, J.)